



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Steven W. Meeks

6 / IDS
E. Willis
8 -5 -02

APPLICATION NO.: 10/029,957

FILING DATE: December 21, 2001

TITLE: Material Independent Optical Profilometer

EXAMINER: not yet known

GROUP ART UNIT: not yet known

ATTY. DKT. NO.: 20830-06581

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, Washington, D.C. 20231, on the date shown below:

Dated: 25 Jan 2002 By: John T. McNelis
John T. McNelis, Reg. No.: 37,186

COMMISSIONER FOR PATENTS
WASHINGTON, DC. 20231

INFORMATION DISCLOSURE STATEMENT
Under 37 CFR §§ 1.56 and 1.97-98

SIR:

Pursuant to the provisions of 37 CFR §§ 1.56 and 1.97-98, enclosed herewith is modified form PTO-1449 listing references for consideration by the Examiner. A copy is enclosed herewith of each listed reference which may be material to the examination of this application, and with respect to which there may be a duty to disclose.

The filing of this Information Disclosure Statement shall not be construed as a representation regarding the completeness of the list of references, or that inclusion of a reference in this list is an admission that it is prior art or is pertinent to this application, or that a search has been made, or as an admission that the information listed is, or may be considered to be, material to patentability, or that no other material information exists, and shall not be construed as an admission against interest in any manner.

- This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application Serial No. [SERIAL NUMBER], filed on [FILING DATE], and the references cited therein are hereby referenced, but are not required to be provided in this application under 37 CFR § 1.98(d).

The Information Disclosure Statement submitted herewith is being filed:

- within three months of the filing date of the application, or date of entry into the national stage of an international application, or before the mailing date of a first official action on the merits, whichever event last occurred;
OR
- before the mailing of a first official action after the filing of a request for continued examination (RCE) under 37 CFR § 1.114;
- after three months of the filing date of this national application or the date of entry of the national stage in an international application, or after the mailing date of the first official action on the merits, whichever event last occurred, but before the mailing date of the first to occur of either:
 - (1) a final action under 37 CFR § 1.113; OR
 - (2) a notice of allowance under 37 CFR § 1.311; AND
 - attached hereto is the fee of \$180, as set forth under 37 CFR § 1.17(p), for submission of this Information Disclosure Statement under 37 CFR § 1.97(c); OR
 - Applicant certifies pursuant to 37 CFR § 1.97(e) that:
 - each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; OR
 - no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing this certification after making reasonable inquiry, was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement.

OR

- before the payment of the issue fee but after the mailing date of the first to occur of either:
 - [1] a final action under 37 CFR § 1.113; OR
 - [2] a notice of allowance under 37 CFR § 1.311; AND
 - in accordance with the requirements of 37 CFR § 1.97(d);
- Applicant certifies pursuant to 37 CFR § 1.97(e) that:

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- each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement; OR
 - no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing this certification after making reasonable inquiry, was known to any individual designated under 37 CFR § 1.56(c) more than three months prior to the filing of this Statement; AND
 - Applicant hereby respectfully petitions for the consideration of the accompanying Information Disclosure Statement under 37 CFR § 1.97(d)(2); AND
 - Applicant submits the petition fee of \$180 as set forth in 37 CFR § 1.17(p).
- Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application, and the communication was not received by any individual designated in 37 CFR § 1.56(c) more than thirty days prior to the filing of this Information Disclosure Statement. 37 CFR § 1.704(d).
- Applicant submits that no fee is required for the consideration of the accompanying Information Disclosure Statement.

Consideration of the listed references and favorable action are solicited.

Respectfully submitted,
STEVEN W. MEEKS

Dated: 25 January 2002

By: 
John T. McNelis, Reg. No.: 37,186
Fenwick & West LLP
Two Palo Alto Square
Palo Alto, CA 94306
Tel.: (650) 858-7133
Fax.: (650) 494-1417



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Sheet 1 of 1

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if references considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered.
Include copy of this form with next communication to applicant.

PTO-1449
REV. 02/01



441 03 CO 04-17-02

PTO/SB/21 (modified)

Approved for use through xx/xx/xx, OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

0001/P00
Rev 10/95

U.S. Department of Commerce
Patent and Trademark Office

Application Number

10/029,957

Filing Date

December 21, 2001

First Named Inventor

Steven W. Meeks

Group Art Unit Number

not yet known

Examiner Name

not yet known

Total Number of Pages in This Submission

5*

Attorney Docket Number

20830-06581

TRANSMITTAL FORM

(to be used for all correspondence during pendency of filed application)

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ENCLOSURES (check all that apply)

- Fee Transmittal Form (in duplicate)
 - Check Enclosed
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- Response to Notice to File Missing Parts
- Assignment & Recordation Cover Sheet
- Declaration
- Power of Attorney
- Application Data Sheet
- Information Disclosure Statement & PTO-1449
 - Copies of IDS Cited Reference
- Request for Corrected Filing Receipt
- Request for Correction of Recorded Assignment
- Amendment/Response: [] Page(s)
 - After Final
- Status Request
- Revocation and Substitute Power of Attorney

- Issue Fee Transmittal
- Letter to Chief Draftsperson
- Formal Drawing(s):
 - [] Sheet(s) of Figure(s) []
- Appeal Communication to Board of Appeals and Interferences
- Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- Certified Copy of Priority Document(s)
- After Allowance Communication to Group
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REMARKS: *total number of pages does not include cited reference.

SIGNATURE OF ATTORNEY OR AGENT

Signature:

Attorney/Reg. No.: John T. McNelis, Reg. No. 37,186

Dated: 25 Jan 2002

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Signature:

Typed or Printed Name: John T. McNelis

Dated: 25 Jan 2002

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